

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MCKESSON AUTOMATION, INC.,

Plaintiff,

v.

C.A. No. 06-028 (\*\*\*)

SWISSLOG HOLDING AG,  
SWISSLOG MANAGEMENT AG,  
TRANSLOGIC CORPORATION, and  
SWISSLOG NORTH AMERICA,

Defendants.

**NOTICE OF SERVICE**

The undersigned hereby certifies that copies of the following documents were served on the following individuals in the manner indicated on May 7, 2007.

1. *Defendants' Notice of Deposition and Request for Production of Documents Directed to Philip Keys (Tab A);*
2. *Defendants' Notice of Deposition and Request for Production of Documents Directed to Ellen J. Hertz (Tab B);*
3. *Defendants' Notice of Deposition and Request for Production of Documents Directed to James A. Smith (Tab C);*
4. *Defendants' Notice of Deposition and Request for Production of Documents Directed to Gregory Toto (Tab D);*
5. *Defendants' Notice of Deposition Directed to Richard Lunak (Tab E).*

**BY E-MAIL AND FIRST CLASS MAIL**

Dale R. Dubé, Esquire  
Blank Rome LLP  
Chase Manhattan Centre  
1201 Market Street, Suite 800  
Wilmington, DE 19801

Blair M. Jacobs, Esquire  
Sutherland Asbill & Brennan LLP  
1275 Pennsylvania Avenue, NW  
Washington, DC 20004

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Julia Heaney (#3052)

Julia Heaney (#3052)

Derek J. Fahnestock (#4705)

1201 N. Market Street

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Wilmington, DE 19899

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*Attorneys for Defendants Swisslog Italia, S.p.A. and  
Translogic Corporation*

OF COUNSEL:

Alfred R. Fabricant

Lawrence D. Drucker

Richard LaCava

DICKSTEIN SHAPIRO LLP

1177 Avenue of the Americas

New York, New York 10036

(212) 277-6500

May 7, 2007

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on May 7, 2007 I electronically filed the foregoing with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Dale R. Dubé, Esquire  
Blank Rome LLP

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on May 7, 2007 upon the following individuals in the manner indicated

**BY HAND AND E-MAIL**

Dale R. Dubé, Esquire  
Blank Rome LLP  
Chase Manhattan Centre  
1201 Market Street, Suite 800  
Wilmington, DE 19801

**BY E-MAIL**

Blair M. Jacobs, Esquire  
Sutherland Asbill & Brennan LLP  
1275 Pennsylvania Avenue, NW  
Washington, DC 20004

/s/ Julia Heaney (#3052)  
Julia Heaney (#3052)  
Morris, Nichols, Arsht & Tunnell LLP  
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Wilmington, DE 19899  
jheaney@mnat.com

# TAB A

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

MCKESSON AUTOMATION, INC.,

Plaintiff,

v.

SWISSLOG ITALIA S.P.A. and  
TRANSLOGIC CORPORATION,

Defendants.

CA No. 06-028 (MPT)

**DEFENDANTS' NOTICE OF  
DEPOSITION AND REQUEST FOR  
PRODUCTION OF DOCUMENTS  
DIRECTED TO PHILIP KEYS**

PLEASE TAKE NOTICE that Defendants Swisslog Italia, S.p.A. and Translogic Corporation ("Defendants") by its attorneys, will take the deposition upon oral examination of Philip Keys in his individual capacity pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure. The deposition will take place at the offices of Duane Morris LLP, 600 Grant Street, Suite 5010, Pittsburgh, Pennsylvania, 15219-8111, beginning on June 22, 2007, at 9:30 a.m. and continuing until completed. The deposition will be given before an officer authorized to administer an oath and will be recorded by stenographic, and/or audiographic, and/or videographic means.

FURTHERMORE, pursuant to Rule 30(b)(5) and Rule 34 of the Federal Rules of Civil Procedure, Mr. Keys shall produce and/or make available for inspection and copying at the offices of Dickstein Shapiro LLP, 1177 Avenue of the Americas, New York, New York 10036, the documents set forth in Schedule A attached hereto within fourteen (14) days after service of this hereof.

You are invited to attend and cross-examine.

Dated: May 7, 2007

DICKSTEIN SHAPIRO LLP



Alfred R. Fabricant  
Lawrence C. Drucker  
Richard LaCava  
1177 Avenue of the Americas  
New York, New York 10036  
Tel.: (212) 277-6500  
Fax.: (212) 277-6501

Julie Heaney (#3052)  
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Wilmington, DE 19899  
(302) 658-9200  
jheaney@mnat.com

Attorneys for Defendants Swisslog Italia,  
S.p.A. and Translogic Corporation

## **SCHEDULE A**

### **DEFINITIONS AND INSTRUCTIONS**

1. “AHI” shall mean Automated Healthcare Inc., and any of its affiliates, successors-in-interest, including plaintiff McKesson Automation, Inc., predecessors-in-interest, subsidiaries, divisions, past or present officers, directors, employees, agents, assigns, representatives, and any other person acting for it or on its behalf.

2. “Automated pharmacy storage system” means any system, apparatus, or device, or any part thereof, for automating or assisting in dispensing or storing medication, including robotic systems that assist pharmacists in the process of dispensing medication.

3. “Plaintiff” or “McKesson” shall mean plaintiff McKesson Automation, Inc., and any of its affiliates, successors-in-interest, predecessors-in-interest – including Automated Healthcare Inc., subsidiaries, divisions, past or present officers, directors, employees, agents, assigns, representatives, and any other person acting for it or on its behalf.

4. “Inventor” or “Inventors” shall mean, individually or collectively, Sean C. McDonald, Ellen J. Hertz, James A. Smith, and Gregory Toto. Inventor shall also mean, where applicable, any individual that participated in the conception or reduction to practice of an automated storage system described, covered by, or related to the Patents-in-suit, including any prototypes.

5. “Patents-in-Suit” shall mean U.S. Patent No. 5,468,110 and U.S. Patent No. 5,593,267.

6. “Document,” in the plural as well as the singular, shall mean all materials within the scope of the Federal Rules of Civil Procedure and means, without limitation, any written, printed, transcribed, electronic, encoded, punched, recorded, typed, or other graphic matter of

any kind or nature, however produced or reproduced, whether sent, received, prepared, or maintained by you including all drafts and copies bearing notations or marks not found on the original, and includes, but is not limited to, all records, memoranda, reports, financial statements, pictures, notes, notations, transcripts, letters, envelopes, messages, telegrams, cables, telex messages, tabulations, studies, analyses, evaluations, estimates, projections, work papers, statements, summaries, opinions, journals, desk calendars, appointment books, diaries, lists, comparisons, e-mail or other electronic notification system, questionnaires, surveys, charts, graphs, books, articles, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, adding machine tapes, receipts, canceled checks, manuals, minutes or transcriptions or notations of meetings or telephone conversations or other communications of any type, photographs, microfilms, tapes or other recordings, punch cards, magnetic tapes, discs, printouts and other data compilations from which information can be obtained, and other documents of any description in your custody, possession, or control. "Document" shall also include any tangible thing or object other than a document, whether or not claimed to be privileged.

7. If any document or thing identified herein has been destroyed, or alleged to have been destroyed, state the date and reason for its destruction, and identify each person responsible for its destruction.



**DOCUMENTS REQUESTED**

**REQUEST NO. 1:**

All documents related or referring to AHI, including the formation, organization, and incorporation of AHI -- including certificates of incorporation, employment agreements and/or contracts, assignments, and organizational charts.

**REQUEST NO. 2:**

All documents related to the acquisition of AHI by McKesson.

**REQUEST NO. 3:**

Any documents that relate to attempt(s) to obtain, and the grant of, funding for the development and/or testing of an automated pharmacy storage system.

**REQUEST NO. 4:**

All documents that refer or relate to the conception, design, development, reduction to practice, testing, structure, manufacture, operation, or steps of any automated pharmacy storage system, including without limitation pictures, schematics, invention disclosures, development records, notes, minutes, memoranda, testing records, engineering drawings, product specifications, process specifications, performance specifications, manufacturing specifications, manuals, program design documents, flowcharts, and computer code listings.

**REQUEST NO. 5:**

Any documents that refer or relate to the Patents-in-Suit, including but not limited to prior art searches, and documents relating to the prosecution of the applications which issued as the Patents-in-Suit.

**REQUEST NO. 6:**

All documents that refer or relate to any prototype automated pharmacy storage system built by AHI and/or the Inventors, including without limitation, laboratory notebooks, invention disclosures, development records, notes, minutes, schematics, diagrams, memoranda, testing records, flowcharts, photographs, and computer code listings.

**REQUEST NO. 7:**

All documents that refer or relate to the disclosure, sale or offer to sell an automated pharmacy storage system, including but not limited to any disclosures to third parties, press releases, and journal or trade articles.

**REQUEST NO. 8:**

Any documents that refer or relate to the disclosure, sale or offer to sell and/or public demonstration of any automated pharmacy storage system, including any prototypes thereof.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of May, 2007, I caused a true and correct copy of the foregoing **DEFENDANTS' NOTICE OF DEPOSITION AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PHILIP KEYS** to be served upon the following counsel of record via e-mail and First Class Mail:

Blair M. Jacobs, Esq.  
Christina A. Ondrick, Esq.  
Sutherland Asbill & Brennan LLP  
1275 Pennsylvania Avenue, NW  
Washington, DC 20004-2415

Dale R. Dube, Esq.  
Blank Rome LLP  
Chase Manhattan Centre  
1201 Market Street, Suite 800  
Wilmington, DE 19801



---

Lawrence Drucker

TAB B

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

MCKESSON AUTOMATION, INC.,

Plaintiff,

v.

SWISSLOG ITALIA S.P.A. and  
TRANSLOGIC CORPORATION,

Defendants.

CA No. 06-028 (MPT)

**DEFENDANTS' NOTICE OF  
DEPOSITION AND REQUEST FOR  
PRODUCTION OF DOCUMENTS  
DIRECTED TO ELLEN J. HERTZ**

PLEASE TAKE NOTICE that Defendants Swisslog Italia, S.p.A. and Translogic Corporation ("Defendants") by its attorneys, will take the deposition upon oral examination of Ellen J. Hertz in his individual capacity pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure. The deposition will take place at the offices of Duane Morris LLP, 600 Grant Street, Suite 5010, Pittsburgh, Pennsylvania, 15219-811, beginning on July 13, 2007, at 9:30 a.m. and continuing until completed. The deposition will be given before an officer authorized to administer an oath and will be recorded by stenographic, and/or audiographic, and/or videographic means.

FURTHERMORE, pursuant to Rule 30(b)(5) and Rule 34 of the Federal Rules of Civil Procedure, Ms. Hertz shall produce and/or make available for inspection and copying at the offices of Dickstein Shapiro LLP, 1177 Avenue of the Americas, New York, New York 10036, the documents set forth in Schedule A attached hereto within thirty (30) days after the service hereof.

You are invited to attend and cross-examine.

Dated: May 7, 2007

DICKSTEIN SHAPIRO LLP



Alfred R. Fabricant  
Lawrence C. Drucker  
Richard LaCava  
1177 Avenue of the Americas  
New York, New York 10036  
Tel.: (212) 277-6500  
Fax.: (212) 277-6501

Julie Heaney (#3052)  
MORRIS, NICHOLS, ARSHT & TUNNELL  
1201 N. Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jheaney@mnat.com

Attorneys for Defendants Swisslog Italia,  
S.p.A. and Translogic Corporation

## **SCHEDULE A**

### **DEFINITIONS AND INSTRUCTIONS**

1. “AHI” shall mean Automated Healthcare Inc., and any of its affiliates, successors-in-interest, including plaintiff McKesson Automation, Inc., predecessors-in-interest, subsidiaries, divisions, past or present officers, directors, employees, agents, assigns, representatives, and any other person acting for it or on its behalf.

2. “Automated pharmacy storage system” means any system, apparatus, or device, or any part thereof, for automating or assisting in dispensing or storing medication, including robotic systems that assist pharmacists in the process of dispensing medication.

3. “Plaintiff” or “McKesson” shall mean plaintiff McKesson Automation, Inc., and any of its affiliates, successors-in-interest, predecessors-in-interest – including Automated Healthcare Inc., subsidiaries, divisions, past or present officers, directors, employees, agents, assigns, representatives, and any other person acting for it or on its behalf.

4. “Inventor” or “Inventors” shall mean, individually or collectively, Sean C. McDonald, Ellen J. Hertz, James A. Smith, and Gregory Toto. Inventor shall also mean, where applicable, any individual that participated in the conception or reduction to practice of an automated storage system described, covered by, or related to the Patents-in-suit, including any prototypes.

5. “Patents-in-Suit” shall mean U.S. Patent No. 5,468,110 and U.S. Patent No. 5,593,267.

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any kind or nature, however produced or reproduced, whether sent, received, prepared, or maintained by you including all drafts and copies bearing notations or marks not found on the original, and includes, but is not limited to, all records, memoranda, reports, financial statements, pictures, notes, notations, transcripts, letters, envelopes, messages, telegrams, cables, telex messages, tabulations, studies, analyses, evaluations, estimates, projections, work papers, statements, summaries, opinions, journals, desk calendars, appointment books, diaries, lists, comparisons, e-mail or other electronic notification system, questionnaires, surveys, charts, graphs, books, articles, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, adding machine tapes, receipts, canceled checks, manuals, minutes or transcriptions or notations of meetings or telephone conversations or other communications of any type, photographs, microfilms, tapes or other recordings, punch cards, magnetic tapes, discs, printouts and other data compilations from which information can be obtained, and other documents of any description in your custody, possession, or control. "Document" shall also include any tangible thing or object other than a document, whether or not claimed to be privileged.

7. If any document or thing identified herein has been destroyed, or alleged to have been destroyed, state the date and reason for its destruction, and identify each person responsible for its destruction.



**DOCUMENTS REQUESTED**

**REQUEST NO. 1:**

All documents related or referring to AHI, including the formation, organization, and incorporation of AHI -- including certificates of incorporation, employment agreements and/or contracts, assignments, and organizational charts.

**REQUEST NO. 2:**

All documents related to the acquisition of AHI by McKesson.

**REQUEST NO. 3:**

Any documents that relate to attempt(s) to obtain, and the grant of, funding for the development and/or testing of an automated pharmacy storage system.

**REQUEST NO. 4:**

All documents that refer or relate to the conception, design, development, reduction to practice, testing, structure, manufacture, operation, or steps of any automated pharmacy storage system, including without limitation pictures, schematics, invention disclosures, development records, notes, minutes, memoranda, testing records, engineering drawings, product specifications, process specifications, performance specifications, manufacturing specifications, manuals, program design documents, flowcharts, and computer code listings.

**REQUEST NO. 5:**

Any documents that refer or relate to the Patents-in-Suit, including but not limited to prior art searches, and documents relating to the prosecution of the applications which issued as the Patents-in-Suit.

**REQUEST NO. 6:**

All documents that refer or relate to any prototype automated pharmacy storage system built by AHI and/or the Inventors, including without limitation, laboratory notebooks, invention disclosures, development records, notes, minutes, schematics, diagrams, memoranda, testing records, flowcharts, photographs, and computer code listings.

**REQUEST NO. 7:**

All documents that refer or relate to the disclosure, sale or offer to sell an automated pharmacy storage system, including but not limited to any disclosures to third parties, press releases, and journal or trade articles.

**REQUEST NO. 8:**

Any documents that refer or relate to the disclosure, sale or offer to sell and/or public demonstration of any automated pharmacy storage system, including any prototypes thereof.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of May, 2007, I caused a true and correct copy of the foregoing **DEFENDANTS' NOTICE OF DEPOSITION AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO ELLEN J. HERTZ** to be served upon the following counsel of record via e-mail and First Class Mail:

Blair M. Jacobs, Esq.  
Christina A. Ondrick, Esq.  
Sutherland Asbill & Brennan LLP  
1275 Pennsylvania Avenue, NW  
Washington, DC 20004-2415

Dale R. Dube, Esq.  
Blank Rome LLP  
Chase Manhattan Centre  
1201 Market Street, Suite 800  
Wilmington, DE 19801



---

Lawrence Drucker

TAB C

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

MCKESSON AUTOMATION, INC.,

Plaintiff,

v.

SWISSLOG ITALIA S.P.A. and  
TRANSLOGIC CORPORATION,

Defendants.

CA No. 06-028 (MPT)

**DEFENDANTS' NOTICE OF  
DEPOSITION AND REQUEST FOR  
PRODUCTION OF DOCUMENTS  
DIRECTED TO JAMES A. SMITH**

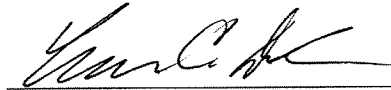
PLEASE TAKE NOTICE that Defendants Swisslog Italia, S.p.A. and Translogic Corporation ("Defendants") by its attorneys, will take the deposition upon oral examination of James A. Smith in his individual capacity pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure. The deposition will take place at the offices of Duane Morris LLP, 600 Grant Street, Suite 5010, Pittsburgh, Pennsylvania, 15219-8111, beginning on July 12, 2007, at 9:30 a.m. and continuing until completed. The deposition will be given before an officer authorized to administer an oath and will be recorded by stenographic, and/or audiographic, and/or videographic means.

FURTHERMORE, pursuant to Rule 30(b)(5) and Rule 34 of the Federal Rules of Civil Procedure, Mr. Smith shall produce and/or make available for inspection and copying at the offices of Dickstein Shapiro LLP, 1177 Avenue of the Americas, New York, New York 10036, the documents set forth in Schedule A attached hereto within thirty (30) days after the service hereof.

You are invited to attend and cross-examine.

Dated: May 7, 2007

DICKSTEIN SHAPIRO LLP



Alfred R. Fabricant  
Lawrence C. Drucker  
Richard LaCava  
1177 Avenue of the Americas  
New York, New York 10036  
Tel.: (212) 277-6500  
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Julie Heaney (#3052)  
MORRIS, NICHOLS, ARSHT & TUNNELL  
1201 N. Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jheaney@mnat.com

Attorneys for Defendants Swisslog Italia,  
S.p.A. and Translogic Corporation

**SCHEDULE A**

**DEFINITIONS AND INSTRUCTIONS**

1. “AHI” shall mean Automated Healthcare Inc., and any of its affiliates, successors-in-interest, including plaintiff McKesson Automation, Inc., predecessors-in-interest, subsidiaries, divisions, past or present officers, directors, employees, agents, assigns, representatives, and any other person acting for it or on its behalf.

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3. “Plaintiff” or “McKesson” shall mean plaintiff McKesson Automation, Inc., and any of its affiliates, successors-in-interest, predecessors-in-interest – including Automated Healthcare Inc., subsidiaries, divisions, past or present officers, directors, employees, agents, assigns, representatives, and any other person acting for it or on its behalf.

4. “Inventor” or “Inventors” shall mean, individually or collectively, Sean C. McDonald, Ellen J. Hertz, James A. Smith, and Gregory Toto. Inventor shall also mean, where applicable, any individual that participated in the conception or reduction to practice of an automated storage system described, covered by, or related to the Patents-in-suit, including any prototypes.

5. “Patents-in-Suit” shall mean U.S. Patent No. 5,468,110 and U.S. Patent No. 5,593,267.

6. “Document,” in the plural as well as the singular, shall mean all materials within the scope of the Federal Rules of Civil Procedure and means, without limitation, any written, printed, transcribed, electronic, encoded, punched, recorded, typed, or other graphic matter of

any kind or nature, however produced or reproduced, whether sent, received, prepared, or maintained by you including all drafts and copies bearing notations or marks not found on the original, and includes, but is not limited to, all records, memoranda, reports, financial statements, pictures, notes, notations, transcripts, letters, envelopes, messages, telegrams, cables, telex messages, tabulations, studies, analyses, evaluations, estimates, projections, work papers, statements, summaries, opinions, journals, desk calendars, appointment books, diaries, lists, comparisons, e-mail or other electronic notification system, questionnaires, surveys, charts, graphs, books, articles, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, adding machine tapes, receipts, canceled checks, manuals, minutes or transcriptions or notations of meetings or telephone conversations or other communications of any type, photographs, microfilms, tapes or other recordings, punch cards, magnetic tapes, discs, printouts and other data compilations from which information can be obtained, and other documents of any description in your custody, possession, or control. "Document" shall also include any tangible thing or object other than a document, whether or not claimed to be privileged.

7. If any document or thing identified herein has been destroyed, or alleged to have been destroyed, state the date and reason for its destruction, and identify each person responsible for its destruction.



**DOCUMENTS REQUESTED**

**REQUEST NO. 1:**

All documents related or referring to AHI, including the formation, organization, and incorporation of AHI -- including certificates of incorporation, employment agreements and/or contracts, assignments, and organizational charts.

**REQUEST NO. 2:**

All documents related to the acquisition of AHI by McKesson.

**REQUEST NO. 3:**

Any documents that relate to attempt(s) to obtain, and the grant of, funding for the development and/or testing of an automated pharmacy storage system.

**REQUEST NO. 4:**

All documents that refer or relate to the conception, design, development, reduction to practice, testing, structure, manufacture, operation, or steps of any automated pharmacy storage system, including without limitation pictures, schematics, invention disclosures, development records, notes, minutes, memoranda, testing records, engineering drawings, product specifications, process specifications, performance specifications, manufacturing specifications, manuals, program design documents, flowcharts, and computer code listings.

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**REQUEST NO. 6:**

All documents that refer or relate to any prototype automated pharmacy storage system built by AHI and/or the Inventors, including without limitation, laboratory notebooks, invention disclosures, development records, notes, minutes, schematics, diagrams, memoranda, testing records, flowcharts, photographs, and computer code listings.

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All documents that refer or relate to the disclosure, sale or offer to sell an automated pharmacy storage system, including but not limited to any disclosures to third parties, press releases, and journal or trade articles.

**REQUEST NO. 8:**

Any documents that refer or relate to the disclosure, sale or offer to sell and/or public demonstration of any automated pharmacy storage system, including any prototypes thereof.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of May, 2007, I caused a true and correct copy of the foregoing **DEFENDANTS' NOTICE OF DEPOSITION AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO JAMES A. SMITH** to be served upon the following counsel of record via e-mail and First Class Mail:

Blair M. Jacobs, Esq.  
Christina A. Ondrick, Esq.  
Sutherland Asbill & Brennan LLP  
1275 Pennsylvania Avenue, NW  
Washington, DC 20004-2415

Dale R. Dube, Esq.  
Blank Rome LLP  
Chase Manhattan Centre  
1201 Market Street, Suite 800  
Wilmington, DE 19801



---

Lawrence Drucker

TAB D

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

MCKESSON AUTOMATION, INC.,

Plaintiff,

v.

SWISSLOG ITALIA S.P.A. and  
TRANSLOGIC CORPORATION,

Defendants.

CA No. 06-028 (MPT)

**DEFENDANTS' NOTICE OF  
DEPOSITION AND REQUEST FOR  
PRODUCTION OF DOCUMENTS  
DIRECTED TO GREGORY TOTO**

PLEASE TAKE NOTICE that Defendants Swisslog Italia, S.p.A. and Translogic Corporation ("Defendants") by its attorneys, will take the deposition upon oral examination of Gregory Toto in his individual capacity pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure. The deposition will take place at the offices of Duane Morris LLP, 600 Grant Street, Suite 5010, Pittsburgh, Pennsylvania, 15219-8111, beginning on July 11, 2007, at 9:30 a.m. and continuing until completed. The deposition will be given before an officer authorized to administer an oath and will be recorded by stenographic, and/or audiographic, and/or videographic means.

FURTHERMORE, pursuant to Rule 30(b)(5) and Rule 34 of the Federal Rules of Civil Procedure, Mr. Toto shall produce and/or make available for inspection and copying at the offices of Dickstein Shapiro LLP, 1177 Avenue of the Americas, New York, New York 10036, the documents set forth in Schedule A attached hereto within thirty (30) days after the service hereof.

You are invited to attend and cross-examine.

Dated: May 7, 2007

DICKSTEIN SHAPIRO LLP



Alfred R. Fabricant  
Lawrence C. Drucker  
Richard LaCava  
1177 Avenue of the Americas  
New York, New York 10036  
Tel.: (212) 277-6500  
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Wilmington, DE 19899  
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Attorneys for Defendants Swisslog Italia,  
S.p.A. and Translogic Corporation

## **SCHEDULE A**

### **DEFINITIONS AND INSTRUCTIONS**

1. “AHI” shall mean Automated Healthcare Inc., and any of its affiliates, successors-in-interest, including plaintiff McKesson Automation, Inc., predecessors-in-interest, subsidiaries, divisions, past or present officers, directors, employees, agents, assigns, representatives, and any other person acting for it or on its behalf.

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4. “Inventor” or “Inventors” shall mean, individually or collectively, Sean C. McDonald, Ellen J. Hertz, James A. Smith, and Gregory Toto. Inventor shall also mean, where applicable, any individual that participated in the conception or reduction to practice of an automated storage system described, covered by, or related to the Patents-in-suit, including any prototypes.

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Any documents that relate to attempt(s) to obtain, and the grant of, funding for the development and/or testing of an automated pharmacy storage system.

**REQUEST NO. 4:**

All documents that refer or relate to the conception, design, development, reduction to practice, testing, structure, manufacture, operation, or steps of any automated pharmacy storage system, including without limitation pictures, schematics, invention disclosures, development records, notes, minutes, memoranda, testing records, engineering drawings, product specifications, process specifications, performance specifications, manufacturing specifications, manuals, program design documents, flowcharts, and computer code listings.

**REQUEST NO. 5:**

Any documents that refer or relate to the Patents-in-Suit, including but not limited to prior art searches, and documents relating to the prosecution of the applications which issued as the Patents-in-Suit.

**REQUEST NO. 6:**

All documents that refer or relate to any prototype automated pharmacy storage system built by AHI and/or the Inventors, including without limitation, laboratory notebooks, invention disclosures, development records, notes, minutes, schematics, diagrams, memoranda, testing records, flowcharts, photographs, and computer code listings.

**REQUEST NO. 7:**

All documents that refer or relate to the disclosure, sale or offer to sell an automated pharmacy storage system, including but not limited to any disclosures to third parties, press releases, and journal or trade articles.

**REQUEST NO. 8:**

Any documents that refer or relate to the disclosure, sale or offer to sell and/or public demonstration of any automated pharmacy storage system, including any prototypes thereof.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of May, 2007, I caused a true and correct copy of the foregoing **DEFENDANTS' NOTICE OF DEPOSITION AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO GREGORY TOTO** to be served upon the following counsel of record via e-mail and First Class Mail:

Blair M. Jacobs, Esq.  
Christina A. Ondrick, Esq.  
Sutherland Asbill & Brennan LLP  
1275 Pennsylvania Avenue, NW  
Washington, DC 20004-2415

Dale R. Dube, Esq.  
Blank Rome LLP  
Chase Manhattan Centre  
1201 Market Street, Suite 800  
Wilmington, DE 19801

A handwritten signature in black ink, appearing to read "Lawrence Drucker", written over a horizontal line.

Lawrence Drucker

# TAB E

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

MCKESSON AUTOMATION, INC.,

Plaintiff,

v.

SWISSLOG ITALIA S.P.A. and  
TRANSLOGIC CORPORATION,

Defendants.

CA No. 06-028 (MPT)

**DEFENDANTS' NOTICE OF  
DEPOSITION DIRECTED TO  
RICHARD LUNAK**

PLEASE TAKE NOTICE that Defendants Swisslog Italia, S.p.A. and Translogic Corporation ("Defendants") by its attorneys, will take the deposition upon oral examination of Richard Lunak in his individual capacity pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure.

The deposition will take place at the offices of Duane Morris LLP, 600 Grant Street, Suite 5010, Pittsburgh, Pennsylvania, 15219-2811 beginning on June 20, 2007, at 9:30 a.m. and continuing until completed.

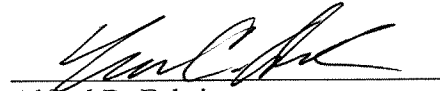
The deposition will be given before an officer authorized to administer an oath and will be recorded by stenographic, and/or audiographic, and/or videographic means.

Pursuant to Rule 30(b)(5), and to the extent that they have not already been produced, Defendants request that all documents and things reviewed by Mr. Lunak be produced to Defendants.

You are invited to attend and cross-examine.

Dated: May 7, 2007

DICKSTEIN SHAPIRO LLP



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Attorneys for Defendants Swisslog Italia,  
S.p.A. and Translogic Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of May, 2007, I caused a true and correct copy of the foregoing **DEFENDANTS' NOTICE OF DEPOSITION DIRECTED TO RICHARD LUNAK** to be served upon the following counsel of record via e-mail and First Class Mail:

Blair M. Jacobs, Esq.  
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Washington, DC 20004-2415

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Lawrence Drucker